

PRISON LAW OFFICE
DONALD SPECTER – 83925
SARA NORMAN – 189536
1917 Fifth Street
Berkeley, California 94710-1916
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

BINGHAM McCUTCHEN
WARREN E. GEORGE – 53588
Three Embarcadero Center
San Francisco, California 94111-4066
Telephone: (415) 393-2000
Facsimile: (415) 393-2286

DISABILITY RIGHTS EDUCATION &
DEFENSE FUND, INC.
LINDA D. KILB – 136101
3075 Adeline Street, Suite 210
Berkeley, California 94703
Telephone: (510) 644-2555
Facsimile: (510) 841-8645

ROSEN, BIEN & GALVAN, LLP
MICHAEL W. BIEN – 096891
ERNEST GALVAN – 196065
GAY CROSTHWAIT GRUNFELD – 121944
HOLLY M. BALDWIN – 191317
MARIA V. MORRIS – 223903
315 Montgomery Street, Tenth Floor
San Francisco, California 94104-1823
Telephone: (415) 433-6830
Facsimile: (415) 433-7104

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

EDMUND G. BROWN, JR., et al.,

Defendants.¹

Case No. C94 2307 CW

**STIPULATION AND ORDER
REGARDING DEPOSITIONS**

¹ The names of Defendants currently serving and their capacities have been substituted pursuant to Fed. R. Civ. P. 25.

1 WHEREAS, on February 10, 2011, the Court issued an Order setting a briefing
2 schedule for resolution of the discovery dispute between the parties concerning Plaintiffs'
3 Motion to Compel Compensation at Plaintiff's Counsel's Reasonable 2010 Hourly Rates
4 (Docket No. 1745)("Plaintiffs' 2010 Rates Motion"), with the last brief to be filed on February
5 24, 2011 and with the Court then to decide Defendants' motion to compel discovery and
6 Plaintiffs' motion for a protective order on the papers (*see* Docket No. 1835, Order Granting in
7 Part Plaintiffs' Motion to Shorten Time, Granting Plaintiffs' Motion for Leave to Submit
8 Reply and Denying Plaintiffs' Request for Telephonic Status Conference);

9 WHEREAS, Defendants have issued and in some cases served deposition notices and
10 subpoenas addressed to a total of eight persons, with multiple depositions noticed to take place
11 on February 23, February 24, and February 25, 2011, all seeking testimony and documents that
12 are the subjects of the above-described Motion and Cross Motion;

13 WHEREAS, the February 10, 2011 Order provided that Defendants will be permitted to
14 supplement their opposition to Plaintiffs' 2010 Rates Motion after March 8, 2011 if necessary
15 and if they are granted additional discovery; and

16 WHEREAS, the February 10, 2011 Order did not specifically stay the depositions
17 noticed by Defendants pending the outcome of the above described Motion and Cross Motion;

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

The depositions noticed by Defendants and currently set for February 23, February 24, and February 25, 2011 shall not be taken on those dates without prejudice to their being re-noticed and taken at some later date in the event the Court so orders. Should the Court decide that any depositions seeking evidence in connection with Plaintiffs' 2010 Rates Motion may proceed and a supplement to the opposition to Plaintiffs' 2010 Rates Motion may be filed, the parties will meet and confer promptly to schedule such depositions at mutually acceptable dates and times consistent with any schedule the Court may set for such depositions. Defendants' supplement to their opposition shall be filed no later than 15 days after the last of any such depositions is taken, in which case the matter will not be deemed submitted, nor be decided, until Defendants' supplement to their opposition is filed.

Dated: February 11, 2011

ROSEN, BIEN & GALVAN, LLP

By: */s/ Gav C. Grunfeld*
Gay C. Grunfeld
Attorneys for Plaintiffs


Dated: February 11, 2011

KAMALA D. HARRIS,
Attorney General of the State of California

By: */s/ Scott Feudale*
Scott Feudale
Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED.

Dated: 2/15/2011


The Honorable Claudia Wilken
United States District Judge